

SEP 15 2008

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## FAX TRANSMISSION COVER SHEET

**Date:** September 15, 2008  
**To:** The United States Patent and Trademark Office  
**Attn:** Commissioner of Patents and Trademarks  
**Fax:** 571-273-8300  
**Re:** United States Patent Application No.: 10/635,483  
Agent's Ref.: 5317P01US  
**Sender:** Norman M. Cameron

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SEP 15 2008

Docket No.: 5317P01US

IN THE UNITED STATES PATENT AND TRADE MARK OFFICE

In re application of:	10/635,483	)	
Examiner:	NGUYEN, Camtu Tran	)	
Patent Application No.:	10/635,483	)	Art Unit:3772
Filed:	August 7, 2003	)	
For:	MANDIBLE POSITIONING DEVICES	)	

September 15, 2008

Commissioner of Patents and Trademarks  
United States Patent and Trademark Office  
Washington, D.C.  
U.S.A. 20231

Dear Sir:

STATEMENTS ESTABLISHING UNINTENTIONAL DELAY

In all times prior to April 1, 2007, the Agent responsible for this file was Brian Long. Brian Long retired on March 31, 2007. The undersigned took over responsibility for the file on April 1, 2007 after Brian Long retired.

The undersigned had no knowledge of this matter or any transactions relating to this matter prior to April 1, 2007 except from subsequently reviewing the file record.

The undersigned received the Notice of Abandonment dated June 13, 2007 indicating that the \$1,700.00 for the issue fee and publication fee had not been received.

The undersigned checked the file and it appeared that the issue fee had been paid. Accordingly a petition was dispatched on August 8, 2007 to withdraw the holding of abandonment on the grounds of the issue fee had been paid. However a substitute check for \$1,700.00 was enclosed with the petition.

The check for \$1,700.00 originally filed on March 19, 2007 was drawn on a bank account controlled by Brian Long. The undersigned does not have records for this account dating back to that time since the records were subsequently transferred to Brian Long's accountant.

It was the belief of the undersigned when filing the petition on August 10, 2007 that the fee had been paid, but the check had been misplaced. There was no information known to the undersigned to the contrary.

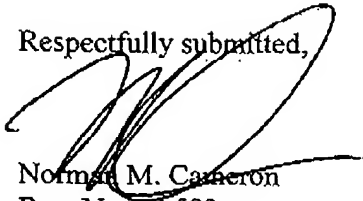
The applicant received on September 2, 2008 the Decision on Petition dated August 26, 2008. This is the first time that the applicant or the undersigned learned of the allegation that the original check had not been cleared. After learning this information, the undersigned petitioned for revival on the basis that the application was unintentionally abandoned.

Any shortfall in the relevant bank account was clearly inadvertent. Brian took all normal steps to pay this fee and met all of his other financial obligations on retirement as far as the undersigned is aware.

It is submitted that the applicant, together with the undersigned agent, acted in a timely manner after learning of the abandonment of the application and that the petition for revival should be granted.

The undersigned has checked and found that the check for \$1,700.00 filed with the Petition on August 10, 2007 has been processed and it is requested that this should be applied to the issue fee.

Respectfully submitted,



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SA647.5317

SEP 15 2008

PTO/SB/64 (08-08)

Approved for use through 09/30/2008. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
5317P01US

First named inventor: Halstrom, Leonard W.

Application No.: 10/635,483

Art Unit: 3772

Filed: August 7, 2003

Examiner: Nguyen, Camtu Tran

Title: Mandible Positioning Device

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX (571) 273-8300NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (571) 272-3282.The above-identified application became abandoned for failure to file a timely and proper reply to a notice or  
action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration  
date of the period set for reply in the office notice or action plus an extensions of time actually obtained.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications  
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

- ☒ Small entity-fee \$ 770.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

**2. Reply and/or fee**

- A. The reply and/or fee to the above-noted Office action in  
the form of \_\_\_\_\_ (identify type of reply):

- ☒ has been filed previously on March 19, 2007  
☐ is enclosed herewith.

- B. The issue fee and publication fee (if applicable) of \$ 1700.00

- ☒ has been paid previously on August 10, 2007  
☐ is enclosed herewith.